



Hand delivered to Powertech
10/8/08

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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October 6, 2008

Mark Hollenbeck
Project Manager
Powertech (USA) Inc.
PO Box 812
Edgemont, SD 57735

Dear Mr. Hollenbeck:

The department has completed its review of the supplemental information to the Request for Determination of Special, Exceptional, Critical, or Unique Lands that Powertech submitted on October 6, 2008. Based on our review, the Request is incomplete. You will need to address the following items in order to complete the Request:

1. Application Form: Since there were no changes to the original application form submitted on August 21, 2008, Powertech did not need to submit another application form with the October 6 submittal. We replaced the original application form with the one from the October 6 submittal. In the future, please note that if there are no changes to the application form, additional forms do not need to be submitted.
2. SDCL 45-6B-33.3 (1 and 2), Sections 4.1 and 4.2, page 8: Powertech may want to include in these sections such items as impacts to threatened and endangered species, any effects on surface and ground water that may adversely affect wildlife and plants, and whether the surface area can be successfully reclaimed to rangeland.
3. ARSD 74:29:10:04: Please submit proof, such as certified mail receipts, that copies of the August 21, 2008 Request, the October 6 supplemental information, and the information requested in this letter have been sent to the various review agencies. I have previously enclosed a revised list of the review agencies that includes some contact and address changes.
4. Section 2, Proposed Mining Area, Page 3: In comparing the sections listed that will be part of the proposed permit boundary with the sections listed in the various draft baseline reports, it appears that some of the sections included in the permit boundary were not

included in the baseline reports. For example, the draft baseline vegetative report did not include Sections 20, 21, 27, and 31; T6S-R1E and Sections 4, 5, 14, and 15; T7S-R1E. In order to ensure that we adequately evaluate the proposed mining area for special, exceptional, critical, or unique characteristics, Powertech needs to complete baseline data gathering for vegetation, wildlife, cultural resources, and radiological sampling for **all** land within the permit boundary. Since baseline data gathering began in 2007, the following parcels were added to the permit area:

- a. Section 20 T6S R1E – W $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$; and E $\frac{1}{2}$ NE $\frac{1}{4}$;
- b. Section 21 T6S R1E – NW $\frac{1}{4}$; SW $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$; and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
- c. Section 27 T6S R1E – S $\frac{1}{2}$
- d. Section 28 T6S R1E – NE $\frac{1}{4}$ NW $\frac{1}{4}$;
- e. Section 30 T6S R1E – SW $\frac{1}{4}$
- f. Section 33 T6S R1E – SE $\frac{1}{4}$ SW $\frac{1}{4}$; and S $\frac{1}{2}$ SE $\frac{1}{4}$;
- g. Section 34 T6S R1E – N $\frac{1}{2}$ NW $\frac{1}{4}$; and NW $\frac{1}{4}$ NE $\frac{1}{4}$;
- h. Section 1 R7S R1E – N $\frac{1}{2}$ NE $\frac{1}{4}$;
- i. Section 4 R7S R1E – W $\frac{1}{2}$ NW $\frac{1}{4}$; and W $\frac{1}{2}$ SW $\frac{1}{4}$;
- j. Section 5 T7S R1E – all
- k. Section 12 T7S R1E – S $\frac{1}{2}$ SE $\frac{1}{4}$; and
- l. Section 14 T7S R1E – SW $\frac{1}{4}$ NE $\frac{1}{4}$; and SE $\frac{1}{4}$ NW $\frac{1}{4}$

Powertech will need to submit the baseline data, or a summary of the data, for these parcels to help the department make its determination.

5. Section 4.7.2, Surface Soils, Page 11: Please provide data that supports Powertech's claim that Radium-226 concentrations in soils collected at the site are similar to those obtained regionally and nationally.
6. Appendix C – Letter from BKS Environmental Associates, Inc. on Vegetation: Please include the list of potential sensitive species and/or species of local concern from Dave Ode in the appendix.

Please let us know if Powertech is planning on adding any additional areas to the proposed mine permit boundary. It would be best if all possible mining areas are addressed in this Request for Determination of Special, Exceptional, Critical, or Unique Lands. If, after the department makes its determination Powertech adds other areas to the permit boundary, a separate Request for Determination would need to be submitted for the additional lands. This would cause additional delays in Powertech obtaining a large scale mine permit.

If you have any questions, please feel free to contact our office.

Sincerely,

\s/

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